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10/848,748	05/19/2004	Barbara A. Christensen	RA 5604 (33012/383/101)	4644

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27516	7590	06/23/2006	WONG, JOSEPH D

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Claims 1-21 are presented for examination. This office action is in response to the application filed May 19, 2004. It consists of any appropriate objections under 37 CFR and any appropriate
5   rejections under 35 U.S.C. §101, § 102; §103, §112.

This action acknowledges receipt of reference blanks via e-mail of May 17, 2006. For purposes of examination, examiner will fill in the blanks with the following underlined content:
U.S. Patent Application No. 10/849,470, filed 05/10/04 , and entitled,
10   "Method and Apparatus for Argument Parameterization of Complex Dataset Opera-
tions"; U.S. Patent Application No. 10/849,469 , filed 05/19/04 , and enti-
tled, "Method and Apparatus for Dataset Manipulation in a JavaScript Environ-
ment"; U.S. Patent Application No. 09/188,629 , filed 11/09/98 (now U.S. Pat-
ent No. 6,295,531 issued 09/25/01) and entitled, "Cool ICE data Wizard"; U.S.
15   Patent Application No. 09/188,649 , filed 11/09/98 (now U.S. Patent No.
6,496,821 issued 12/17/02) and entitled, "Cool ICE Column Profiling"; U.S.
Patent Application No. 09/189,053 , filed 11/09/98 (now U.S. Patent No.
6,370,532 issued 04/09/02) and entitled, "Cool ICE OLEDB Consumer Interface";
and U.S. Patent Application No. 09/188,725 , filed 11/09/98 (now U.S. Patent
20   No. 6,324,539 issued 11/27/01) and entitled, "Cool ICE State Management" are
commonly assigned co-pending applications incorporated herein by reference."

Claim 11 is interpreted as applicant intended to invoke means plus function language under 35 U.S.C. 112, 6th paragraph.
25

Specification

Examiner objected to the inappropriate use of blank incorporation fields for four references filed on November 9, 1998 and issued as patents before the date of filing. These blanks are not fully complying with 37 CFR 1.56 as this information should be known to applicant's counsel prior to
30   filing. For future consideration, examiner requires that any pertinent reference numbers available at the time filing that should be disclosed on form PTO-1449 instead of incorporation by reference.

Examiner objects to the informality of using the term "power" in a manner that requires quota-
35   tion marks around it in paragraphs [0031-0032]. The term should not be used in a manner that could be inconsistent with its accepted definition unless applicant wishes to formally redefine the term. The purpose of this objection is to establish what applicant meant when using the word "power" repeatedly in quotation marks.

40   Examiner objects to the inconsistent informal capitalization of "Javascript" in [0001] as well as the use of a unacknowledged use of a trademarked name owned by Sun Microsystems (trade-mark serial number 750266640). See Microsoft Computer dictionary for standard dictionary definition and standard capitalization of the term "JavaScript" found in paragraphs in Abstract; paragraph [0030], 3 occurrences; [0031], 7 occurences; [0034], 2 occurrences; [0035]; [0036], 2
45   occurrences; [0037], 2 occurrences; [0040]; [0044]; [0045]; [0052], 4 occurrences; [0056]; [0064]; [0065].

Claim Objections

5   Examiner objects to an informal nonstandard spelling in claims 2, 4, 9, 11, 18, 19, and 21 for the word "publically".

Examiner objects to the inconsistent informal function plus means invocation language found in claim 11(b), 11(c), and 11(d) in relation to the more formal "means for" found in 11(a).

10   Examiner objects to claims 1, 2, 6, 16, 18, 21 under 35 U.S.C. 112, second paragraph because "user terminal" is not defined anywhere in the specification but could be construed as to perform processing as evidenced by "honors said user request" and "modifies said dataset" contrary to its accepted meaning of having no computer processing. Examiner used"IEEE 100: The Authoritative Dictionary of IEEE Standards Terms", 7th Ed., IEEE, 2000, p. 1242, which defines a user

15   terminal as an "input/output device that communicates with a computer". According to Microsoft Computer Dictionary, 4th Ed. 1999, p. 439, a terminal has no little or no processing of its own. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on no-

20   tice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "user terminal" in claim 1 is used by the claim to mean "a client computer", while the accepted meaning is a dumb device that allows a user to access a computer. The term is indefinite because the specification does not provide essential support or clearly redefine the term.

25

Examiner objects to claims 5, 10, 20, and 21 for confusing and inconsistent terminology of "standardized objected based command language" and "JavaScript". For the reason that JavaScript(r) is not a true object oriented language in that it does not incorporate general purpose input output functionality as it entirely relies upon the client browser and it does not provide for all three at-

30   tributes typically associated with an object oriented language: polymorphism, inheritance, and encapsulation. Generally JavaScript(r) can only do what the browser allows it to do and is incapable of directly invoking system level I/O. JavaScript's syntax is derived from C which is not object based. Exemplary alternatives that are consistent are "standardized object-based command language" and "Java" would be consistent as would "standard scripted command lan-

35   guage" (excerpted from claim 11) and "JavaScript" (from claim 5). Suggestion on consistent language can be found in applicant's incorporated references although such reusing language observed in another application may contribute to double patenting concerns. Applicant's inventive concept appears to be most consistent with a browser, for the purposes of prosecuting the application, so examiner can assume applicant meant a "standard scripting language".

40

Where applicant acts as his or her own lexicographer to specifically define a term of a claim con-
trary to its ordinary meaning, the written description must clearly redefine the claim term and set
forth the uncommon definition so as to put one reasonably skilled in the art on notice that the ap-
plicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190

5   F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "standardized objected-
based command language" in claims 5, 10, 20, 21 is used by the claim to mean "scripting lan-
guage" as evidenced by the linkage to JavaScript(r), while the accepted meaning is "objected ori-
ented." The term is indefinite because the specification does not clearly redefine the term in a
manner that would apprise one of ordinary skill as to what invention applicant has claimed.

10

Claim Rejections - 35 U.S.C. § 101

Claim 11 is not statutory, although its means plus function includes a hardware element of a
publicly accessible digital data communications network and a user terminal combined with ab-
stract software. Abstract algorithm elements per se are not patentable. The capability to modify

15   a result is not necessarily a result. There are disembodied abstract abstract functions that appear
to be claimed without a necessary relationship to hardware. A coupled software interface with-
out an essential relationship connecting essential elements of a computer, database, and computer
readable media, the claim remains operative in the abstract sense only. For suggestions how to
overcome this rejection, one can look to controlling case law as well as comparable independent

20   claims within this application that overcome this rejection.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

25   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
                subject matter which the applicant regards as his invention.

Claims 1, 5, 6, 10, 11, 16, 20, and 21 rejected under 35 U.S.C. 112, second paragraph, as being

30   indefinite for failing to particularly point out and distinctly claim the subject matter which appli-
cant regards as the invention.

Claims 1 and 21 are rejected 35 U.S.C. 112, second paragraph, for claiming an operatively in-
complete apparatus for omitting an essential elements of a computer and a database. Although

35   the preferred embodiment includes a server and client computers, these limitations cannot be
read into the claims. Appropriate correction is required. "Database management system" is de-
fined by the Microsoft Computer Dictionary, 4th Ed. is a software interface between a database
and a user. Applicant could overcome this rejection many different ways including but not lim-
ited to adding essential elements to the claim or defining the system to include essential ele-

40   ments.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. The term "responsively coupled" does not address the issue that essential elements are missing as well as relationships between the elements. See MPEP
5   § 2172.01. The omitted structural cooperative relationships are: user terminal to the conversion facility and to the database system. There appears to be an essential missing wire or transceiver or data interconnection that is missing as one or more hardware elements are missing.

Claims 5, 10, 20, and 21 are rejected under 35 U.S.C. 112, second paragraph for use of a trade-
10 mark "JavaScript" as a claim limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. Examiner observed that the trademark appears to be owned by Sun Microsystems (serial number 75026640).
15 In fact, the value of a trademark would be lost to the extent that it became descriptive of a product, rather than used as an identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute improper use of the trademark or trade name.

20 The term "-based" in claims 1, 5, 6, 10, 11, 16, 20, and 21 is a relative term in the context of "standard object-based command language" which renders the claim indefinite. The term "object-based" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
25

Claim 14 is rejected under 35 U.S.C. 112, second paragraph for the use of a trademark "MAPPER" as a claim limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or
30 trade name cannot be used properly to identify any particular material or product. Examiner observed more than five serial numbers 73742691, 73360861, 74191591, 73421678 (cancelled), and 73761532 (cancelled) showing assignee's use of the mark "MAPPER". This claim does not convey to a person of ordinary skill in the art what is the system. In fact, the value of a trademark would be lost to the extent that it became descriptive of a product, rather than used as an
35 identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute improper use of the trademark or trade name. There is no essential support found for the term "MAPPER data base management system" within the applicant's specification to define what the combination of hardware and software consists of.
40

Claim 21 is further rejected under 35 U.S.C. 112, second paragraph as being indefinite. The term "Java Script like" is a relative term which renders the claim indefinite. The relative degree of similarity is not ascertainable by a person of ordinary skill in the art. The term "JavaScript like" is not defined by the claim, and the specification does not provide a standard for ascertaining the

5   requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

This claim does not convey to a person of ordinary skill in the art what is the system. In fact, the value of a trademark would be lost to the extent that it became descriptive of a product, rather

10   than used as an identification of a source or origin of a product. Thus, the use of a trademark or trade name in a claim to identify or describe a material or product would not only render a claim indefinite, but would also constitute improper use of the trademark or trade name. There is no essential support found for the term "MAPPER data base management system" within the applicant's specification to define what the combination of hardware and software consists of.

15

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

20   (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 11, and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Aupperle,
Bryan, "Integrating legacy application/data access with single sign-on in a distributed computing
environment", US Pre-Grant Patent Application 2004/0098595. (hereinafter Aupperle)

For claims 1, 6, 11, and 21, Auperle teaches:

1. An apparatus comprising:
a. a user terminal (see fig. 1, item 110) which generates a user request
(see fig. 1, item 120, also [0058] "SSL to initiating secure connection") in
a standardized object-based command language; (see [0088], "Simple Object Ac-
cess Protocol")
b. a legacy (see [0118] "legacy application" and fig. 17, item 1755) data
base ([0118]) management system responsively coupled to said user terminal
(see fig. 1, item 110, "terminal 3270 client") which honors said user request
by execution of a non-standardized command language (see [0085]) to produce
a result from a dataset;
c. a conversion facility (see [0066]) for conversion of said standardized ob-
ject-based command language ([0066] HTML)to said non-standardized command
language; (TN3270) and d. a facility responsively coupled to said legacy
data base management system ([0009]IBM IMS(r))which prepares said result (see
[0007] conversion from row and column mappings to a [0011] VT ASCII terminal)
for transfer to said user terminal (see plurality of terminals fig.1, and
browser based terminal fig.17) and which modifies said dataset if and only if
specified in said service request (inherent with the data pull model).

6. A method of utilizing a user terminal to access a legacy data base
management system employing a non-standardized command language comprising:
a. transmitting a service request (see fig.5, invention capable of playing
back macro recorded) in a standardized object-based command language (see
[0066] HTML inherently includes JavaScript) from said user terminal request-
ing access (see fig. 1, item 100, terminal emulation) to said legacy data
base management system ([0009]IBM IMS(r)));
b. receiving said service request (see fig.5 for login macro) by said legacy
data base management system ([0009] IBM IMS(r));
c. converting said service request in said standardized object-based
command language (HTML includes JavaScript(r))into said non-standardized com-
mand language (see [0009] CICS and IMS);
d. honoring said service request by executing said non-standardized command
language ([0009] IMS) to access a dataset by said legacy digital data base
management system ([0009]CICS and IMS); and
e. modifying (see [0018] for capability of changing password) said dataset
(password) if indicated by said service request (see fig.5).

11. An apparatus comprising:
a. permitting means (see fig.5 single sign on macro window) for permitting a
user to transfer a service request defined by a standardized object-based
command language; (see Fig.5 for HTML form screen with inherent JavaScript(r)
support)
b. offering means responsively coupled to said permitting means via

```
      said publically accessible digital data communication network ([0043] "Web
      environment") for offering legacy data base management services  ([0009]IBM
      IMS(r)) involving access to at least one dataset having a non-standard
      scripted command language;
  5   c. converting means responsively coupled to said offering means for convert-
      ing said service request from said standardized object-base command language
      ([0090] "http://wdvl.com/Authoring/HTML/Head/Meta/HTTP.html" )to said non-
      standardized scripted command language; ([0009] IBM CICS and IMS(r))  and
      d. modifying (see [0017]) "changes are synchronized")  means responsively
 10   coupled to said offering means for modifying said dataset if so indicated by
      said service request.


      21.  An apparatus for accessing a database comprising:
 15   a. a user terminal (see fig.1, terminal TN3270) which generates a user re-
      quest in a JavaScript like standardized object-based command language (fig.
      2. HTML)which specifies a dataset;
      b. a legacy data base management system responsively coupled to said user
      terminal via a publically accessible digital data communication network
 20   ([0051] implied by use of one-time pass tickets and publicly accessible web)
      which honors said user request by execution of a non-standardized command
      language to produce a result from said dataset;
      c. a conversion facility for conversion of said standardized object-based
      command language (see fig. 12f, item 1270, SOAP)to said non-standardized com-      ·            ·
 25   mand language; ([0009] IBM CICS and IMS(r))
      d. a facility responsively coupled to said legacy data base management system
      which prepares said result (see fig. 12g, SOAP envelope) for transfer to said
      user terminal (terminal 3270 emulator) and which modifies said dataset if and
      only if specified in said service request (inherently capable with user secu-
 30   rity privileges).
```

Claims 1-10 are rejected under 35 U.S.C. § 102(a) as being anticipated by Lai, Ray Y., "Struc-
tured methodology and design patterns for web", US Pre-Grant Patent Application
2005/0044197. (hereinafter Lai)

35

For claims 1-10, Lai teaches:

```
      1.  An apparatus comprising:
      a. a user terminal (see e.g. Fig. 20, client-tier: left-most image of tele-
 40   phone, cell phone, PDA user terminal, Fig. 20, bottom, branch trading work-
      stations) which generates a user request (see Fig. 11, "Service Requester ->
      Query Services") in a standardized object-based command language (see e.g.
      Paragraph [0005], "Java Web Services Developer Pack™" and Fig. 21, WAP);

 45   b. a legacy (see Fig. 20, "Legacy Systems e.g. Mainframe") data base manage-
      ment system (see Fig. 21, "Database") responsively coupled (see Fig. 17,
      bidirectional arrows from consumer domain to service provider domain)to said
      user terminal which honors said user request by execution of a non-
      standardized command language (see Fig. 21, Proprietary Stock Exchange e.g.
 50   JASDAO) to produce a result (Fig. 21, "Trade Settlement") from a dataset (see
      Fig. 20, "Databases: Data Warehouse, Customer Account Master Common Data,
      Trade Data");
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c. a conversion facility (see e.g. paragraph [0993], resource adapter,
[1000], "SOAP-JMS bridge") for conversion (see [0992] "Resource Adapter") of
said standardized object-based command language (See Fig. 14, SOAP) to said
non-standardized command language (see [0992] "CIS"), ; and

d. a facility responsively coupled to said legacy (see Fig. 20, "Legacy Sys-
tems e.g. Mainframe") data base (Fig. 21, "Database") management system (see
[0992] CICS and SAP R/3) which prepares said result (see [0993] data result
may be placed in the common area) for transfer to said user terminal and
which modifies said dataset (see [1004] "XQL…reduces the development effort
to parse relational database data results to XML and vice versa") if and only
if specified in said service request (see [1003], "…eased accessing and up-
dating data from a real-time Web Services calls").

2. The apparatus of claim 1 wherein said user terminal (see e.g. Fig. 20,
client-tier: left-most image of telephone, cell phone, PDA user terminal)is
coupled to said legacy (see Fig. 15, "Legacy Systems") data base management
system via a publically accessible digital data communication network (see
Fig. 20, "Via Internet VPN").

3. The apparatus of claim 2 wherein said user request (see [1123], customer
B requests an FX quote from Firm A) specifies said dataset (see [1123], "Firm
A responds with an FX quote).

4. The apparatus of claim 3 wherein said publically accessible digital data
communication network further comprises the Internet (see Fig. 20,
"…Internet…").

5. The apparatus of claim 4 wherein said standardized object-based command
language (see [0424], "not limited to, browsers, rich clients {such as Java
SWING client}) further comprises JavaScript (Examiner asserts that JavaScript
is inherent to the web browser per Microsoft Computer Dictionary, 4th ed.,
p.253, also see Wikipedia regarding JavaScript's inclusion with the browser).

6. A method of utilizing a user terminal (see e.g. Fig. 20, client-tier:
left-most image of telephone, cell phone, PDA user terminal, Fig. 20, bottom,
branch trading workstations) to access a legacy (see Fig. 20, "Legacy Systems
e.g. Mainframe") data base (see Fig. 21, "Database") management system (see
[0992] CICS) employing a non-standardized command language (see [1013] "leg-
acy FX trading engine and securities accounting back-office systems may not
support fpML") comprising:

a. transmitting (see [1269] "transmit the transaction") a service request in
a standardized object-based command language ([1269] "SOAP")from said user
terminal requesting access to said legacy data base management system (see
[1015] "legacy FX");

b. receiving([1015] "custom adapter to receive the fpML") said service re-
quest by said legacy data base management system ([1015] "legacy FX");

c. converting ([1015] "custom adapter to receive the fpML")said service request in said standardized object-based command language ("fpML") into said non-standardized command language (see [1098] "TIBMercury Foreign Exchange trading");

d. honoring said service request (see [1400] "Once the Web Services Consumer finds the required business service, the system may bind the service endpoint and invoke the business service") by executing said non-standardized command language to access (see [1400] "FX Spot Rate Quote Service")a dataset (see Fig. 20, "Databases: Data Warehouse, Customer Account Master Common Data, Trade Data") by said legacy digital data base management system (see [0992] "CICS"); and

e. modifying ([1098] "it can update its back-end") if indicated by said service request ([1098] "trade"; "Upon successful execution, Customer B pays and settles with Firm A") said dataset (see Fig. 20, "Databases: Data Warehouse, Customer Account Master Common Data, Trade Data").

7. A method ([0330] "using SOAP administration to map the data fields") according to claim 6 wherein said dataset (see Fig. 21, "Database") is specified by said service request (see [0330] "select a business service, which may be an existing Transaction Processing system or legacy system functionality").

8. A method according to claim 7 wherein said transmitting step occurs over a publically accessible digital data communication network (see Fig. 20, "…Internet…").

9. A method according to claim 8 wherein said publically accessible digital data communication network further comprises the Internet (see Fig. 20, "…Internet…").

10. A method according to claim 9 wherein said standardized object-based command language (see [0424], "not limited to, browsers, rich clients {such as Java SWING client})further comprises JavaScript(Examiner asserts that JavaScript is inherent to the web browser per Microsoft Computer Dictionary, 4th ed., p.253, also see Wikipedia regarding JavaScript's inclusion with the browser).

Claims 11-13 are rejected under 35 U.S.C. § 102(a) as being anticipated by Baranowski, James, "Travel Market Broker System", US Pre-Grant Patent Application 2004/0260581. (hereinafter Baranowski)

For claims 11-13, Baranowski teaches:

11. An apparatus comprising:

a. permitting means for permitting a user to transfer a service request defined by a standardized object-based command language;

b. offering (see [0043] "reverse auction") means responsively coupled (see
[0041] "users may interact with the system via any input device") to said
permitting means via said publically accessible digital data communication
network (see [0041] "internet") for offering legacy data base management ser-
5   vices ([0017] "SABRE system, Amadeus, Galileo/Apollo, System One, and World-
Span") involving access to at least one dataset (e.g. [0022] "airline data-
bases, car and hotel databases, train
and bus databases, frequent flyer systems") having a non-standard scripted
command language ([0023] e.g. "DB2 by IBM" implements a non-standard IBM pro-
10   prietary command language);

c. converting means responsively coupled to said offering means for convert-
ing said service request from said standardized object-base command language
([0030] e.g. HTML …, various forms, Java applets, JavaScript, [0022] Java2)
15   to said non-standardized
scripted command language ([0023] DB2);   and

d. modifying means ([0017]"reservation") responsively coupled to said offer-
ing means for modifying said dataset ([0022] "travel booking databases") if
20   so indicated by said service request ([0043] "update to reflect the reserva-
tion of the service and, as appropriate, to facilitate a reduction of the in-
ventory…").

12. An apparatus (see figure 2, item 270 booking engine) according to claim
25   11 wherein said dataset ([0022] "airline databases, car and hotel databases,
train
and bus databases, frequent flyer systems…, and the like") is specified by
said service request([0036] "air, car rental, hotel, rail, limousines, cruise
lines, conference centers, ferries").
30
13. An apparatus (see figure 2, item 270 booking engine) according to claim
12 further comprising means located within said permitting means for generat-
ing a second service request ([0043]"transmitting configuration information
or indicia to consumer").
35

For claims 16-20 Baranowski teaches:

16. In a data processing system having a user terminal (see claim 1, "point
40   of service terminal") which generates a service request ([0006] "transac-
tion")in a standardized object-based command language ([0028] e.g. "Java ap-
plets") responsively coupled to a legacy data base management system (see
[0003], "SABRE™, Amadeus, Galileo/Apollo, System One, and Worldspan systems")
which accesses a dataset ([0032] direct connections to various vendor data-
45   bases (e.g., air, car rental, hotel, rail limousines, cruise lines, and con-
ference centers, and ferries) to honor (the inherent purpose of a vendor's
reservation is to be able to honor it) said service request ("transaction")
by executing a non-standardized command language (note SABRE commands are in-
herently proprietary and differ from say Amadeus commands), the improvement
50   comprising:

a. a conversion facility responsively coupled to said legacy data base man-
agement system which converts said service request ([0027] "from employees,
companies, or other entities") from said standardized object-based command
language ([0030] e.g. "Java applets") to said non-standardized command lan-
guage (see SABRE);   and

b. a facility which modifies ([0027] "modifying") said dataset (e.g. data set
annotation) only if indicated by said service request ([0027] "permit access
to specific data sets").

17. The improvement according to claim 16 wherein said dataset (vendor data-
base) is specified by said service request ([0028] "header or trailer may be
received by a stand alone interaction device configured to add, delete, mod-
ify, or augment the data").

18. The improvement according to claim 17 wherein said user terminal ([0022]
"POS terminal users") is responsively coupled to said legacy data base man-
agement system (SABRE) via a publically accessible digital data communication
network (see [0022] "internet").

19. The improvement according to claim 18 wherein said publically accessible
digital data communication network further comprises the Internet (see [0022]
"internet").

20. The improvement according to claim 19 wherein said standardized object-
based command language (see [0030] e.g. Java applets) further comprises
JavaScript (see [0030] preferred embodiment uses JavaScript).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejec-
tions set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in sec-
> tion 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such
> that the subject matter as a whole would have been obvious at the time the invention was made to a person hav-
> ing ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claim 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski as applied to
claim13 above, and further in view of "Classic MAPPER(r) User's Guide 1.0", Release Levels
5R1/37R1/1.0", 1994, Unisys Corporation. (hereinafter UC1)

Baranowski teaches all the limitations of claim 13. However, Baranowski does not specifically
recite the limitation in claim 14 of comprising Unisys' proprietary MAPPER database. UC1
does teach using "MAPPER" on Unisys' proprietary hardware.

UC1 and Baranowski are analogous arts because UC1 is a component proprietary legacy main-
frame component usable within the proposed framework of Baranowski. Baranowski cites an
analogous custom reservation system SABRE based on an IBM mainframe. Unisys sells com-
petitive hardware capable of performing comparable functions to companies wanting to develop

5   a custom reservation system. The motivation to combine arises from the desire to decrease the
data isolation of the legacy system such as UC1 from standards-based clients.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to
combine the heterogeneous teachings of Baranowski with the proprietary mainframe database

10   teaching of UC1.

Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over UC1 as applied to claim14
above, and further in view of Baranowski.

15   15. An apparatus according to claim 14 wherein said permitting means further
        comprises an industry standard personal computer (see Baranowski [0041] "the
        invention could be used with … personal computer, operating system as … Win-
        dows NT, this is an art accepted equivalent of industry standard personal
        computer at the time of invention).

20

Claim 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Lai in further in view of
the apparatus of the CharlesSchwab.com trading system. (hereinafter Schwab)

25   For claim 21, Lai teaches limitations (a)-(c) and some of (d) as shown earlier but not the limita-
tion of if and only if of (d). Schwab practices the limitation of (d).

        d. a facility responsively coupled to said legacy data base (back end legacy
        system taught in Lai) management system which prepares said result (password
30   change) for transfer to said user terminal and which modifies said dataset
        (account information of password) if and only if specified in said service
        request (password change).

Schwab practices the if and only if limitation of (d) by implementing by performing a change of
35   the password data set if and only if the user specifies said service request. Schwab's back office
operation is coupled to an IBM mainframe.

Lai and Schwab are analogous art because they both are from the endeavor of web-based stock
brokerages. The motivation to combine arises from the desire to speed up password acceptance
40   without compromising security.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to
combine the architectural framework of Lai with the practical implementation of Schwab.

45   Other web-based brokerages can also be used in place of Charles Schwab such as ScotTrade.com
and TDAmeritrade.com to render a comparable outcome.

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful
5   process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

10   A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer <u>cannot</u> overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 1-5 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that
15   of claim 1-5 of copending Application No. 10/848,899. This is a <u>provisional</u> double patenting rejection since the conflicting claims have not in fact been patented.

Claims 1-5 are further objected to under 37 CFR 1.75 as being a substantial duplicate of '899 claims 1-5. When two claims in an application are duplicates or else are so close in content that
20   they both cover the same thing, despite a slight difference in wording sequence, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

US Patent App. No. 10/848,748	US Patent App. No. 10/848,899
Christensen et al.	Christensen et al.
1. An apparatus comprising: a. a user terminal which generates a user request in a standardized object-based command language; b. a legacy data base management system responsively coupled to said user terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset; c. a conversion facility for conversion of said standardized object-based command language to said non-standardized command language; and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said user terminal and which modifies said dataset if and only if specified in said service request.	1. An apparatus comprising: b. a user session which generates a request in a standardized command language for combining data within a first dataset with data from a second dataset of said plurality of datasets within said legacy data base; a. a legacy data base management system having a first command language and having a plurality of datasets; e. a result produced by said legacy data base management system indicative of honoring said corresponding request. d. a facility for conversion of said request in said standardized command language into a corresponding request in said first command language; and
2. The apparatus of claim 1 wherein said user terminal is coupled to said legacy data base management system via a publically accessible digital data communication network. 3. The apparatus of claim 2 wherein said user request specifies said dataset. 4. The apparatus of claim 3 wherein said publically accessible digital data communication network further comprises the Internet. 5. The apparatus of claim 4 wherein said standardized object-based command language further comprises JavaScript.	3. The apparatus of claim 2 wherein said result further comprises a returned dataset. 4. The apparatus of claim 3 wherein said user session is responsively coupled to said data base management system via a publically accessible digital data communication network. 5. The apparatus of claim 4 wherein said data base management system further comprises a data base having a plurality of columns of data wherein each of said plurality of datasets corresponds to a different one of said plurality of columns of data. (inherent to relational DB) 2. The apparatus of claim 1 wherein said request in said standardized command language further comprises a JavaScript object.

Claims 1-5 are further objected to under 37 CFR 1.75 as being a substantial duplicate of '469
claims 1-5. When two claims in an application are duplicates or else are so close in content that
they both cover the same thing, despite a slight difference in wording sequence, it is proper after
allowing one claim to object to the other as being a substantial duplicate of the allowed claim.
5   See MPEP § 706.03(k).

US Patent App. No. 10/848,748	US Patent App. No. 10/848,469
Christensen et al.	Christensen et al.
1. An apparatus comprising: a. a user terminal which generates a user request in a standardized object-based command language;	1. An apparatus comprising: a. a user terminal which generates a user request in a standardized object-based command language;
b. a legacy data base management system responsively coupled to said user terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset;	2. The apparatus of claim 1 wherein said user terminal is coupled to said legacy data base management system via a publically accessible digital data communication network.
c. a conversion facility for conversion of said standardized object-based command language to said non-standardized command language; and	1c. a conversion facility for conversion of said standardized object-based command language to said non-standardized command language.
d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said user terminal and which modifies said dataset if and only if specified in said service request.	1b. a legacy data base management system responsively coupled to said user terminal which honors said user request by execution of a non-standardized ommand language; and (write safety is an obvious improvement)
2. The apparatus of claim 1 wherein said user terminal is coupled to said legacy data base management system via a publically accessible digital data communication network.	(see '469 claim 4)
3. The apparatus of claim 2 wherein said user request specifies said dataset.	3. The apparatus of claim 2 wherein said conversion facility further comprises a stored procedure. (stored procedures inherently capable of targeting a user request specific dataset)
4. The apparatus of claim 3 wherein said publically accessible digital data communication network further comprises the Internet.	4. The apparatus of claim 3 wherein said publically accessible digital data communication network further comprises the Internet.

5. The apparatus of claim 4 wherein said standardized object-based command language further comprises JavaScript.	5. The apparatus of claim 4 wherein said standardized object-based command language further comprises JavaScript.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper

5   timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g.,

10 *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

15 A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

20

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

25

Claims 1-2 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 6,832,237. Although the conflicting claims are not identical, they are not have nonobvious patentable distinctions from each other because it would have been obvious to a person of ordinary skill in the art to make modifications to '237 to arrive at '748.

US Patent App. No. 10/848,748	US Patent 6,832,237
Christensen et al.	Christensen et al.
1. An apparatus comprising: a. a user terminal which generates a user request in a standardized object-based command language; b. a legacy data base management system responsively coupled to said user terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset; c. a conversion facility for conversion of said standardized object-based command language to said non-standardized command language; and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said user terminal and which modifies said dataset if and only if specified in said service request. 2. The apparatus of claim 1 wherein said user terminal is coupled to said legacy data base management system via a publically accessible digital data communication network.	6. An apparatus comprising: a. a user terminal; c. a plurality of display pages differing in resolution stored within said data base; and d. a user interface module coupled between said user terminal and said data base management system which selects for display one of said plurality of display pages differing in resolution. b. a data base management system having a data base responsively coupled to said user terminal via a publically accessible digital data communication network;

The claimed improvements added to '748 over '327 would have been obvious to a person of ordinary skill in the art at the time of invention.

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 21 of U.S. Patent No. 7,013,306. XML is a standardized language capable of conveying data and commands. Although the conflicting claims are not identical, they do not have nonobvious patentable distinctions from each other because it would have been obvious to a person of ordinary skill in the art to make modifications to '306 to arrive at '748.

US Patent App. No. 10/848,748	US Patent 7,013,306
Christensen et al.	Turba et al.
1. An apparatus comprising: a. a user terminal which generates a user request in a standardized object-based command language; b. a legacy data base management system responsively coupled to said user terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset; c. a conversion facility for <u>conversion</u> of said standardized object-based command language to said non-standardized command language; and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said user terminal and which modifies said dataset if and only if specified in said service request.	21. A method of coupling an XML message to a data base management system having an incompatible format comprising: a. retrieving an existing XML element to source tree from a repository (legacy database); b. presenting said existing XML element to source tree to a user as a display; (user terminal) c. modifying said existing XML element to source tree by said user in accordance with said XML message; and d. using said XML element to source tree for <u>converting</u> said XML message to said incompatible format.

The "if and only if" limitation is either inherent to method (21c) or a straightforward and obvious limitation which could be done by a person of ordinary skill in the art at the time of invention.

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/848,758. There is at least one inventor in common (Christensen) and both applications share a common assignee of Unisys Corporation. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would be obvious to one of ordinary skill in the art at the time to describe obvious variations in the means for essentially the same invention. When there is a question of double patenting where the claim language is nearly identical, an obvious-type rejection should be made.

This is a provisional obviousness-type double patenting rejection because the conflicting claims (between 10/848,748 and 10/848,658) have not in fact been patented.

US Patent App. No. 10/848,748	US Patent 10/848,758
Christensen et al.	Christensen et al.
1. An apparatus comprising: a. a user terminal which generates a user request in a standardized object-based command language; b. a legacy data base management system responsively coupled to said user terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset; c. a conversion facility for conversion of said standardized object-based command language to said non-standardized command language; and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said user terminal and which modifies said dataset if and only if specified in said service request.	1. An apparatus comprising: a. a legacy data base management system having a first command language and having a plurality of datasets; b. a user session which generates a request in a standardized command language for comparing some of said plurality of datasets within said legacy data base; d. a facility for conversion of said request in said standardized command language into a corresponding request in said first command language; and e. a result produced by said legacy data base management system indicative of honoring said corresponding request.

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patent-
5   ing as being unpatentable over claim 1 of copending Application No. 10/848,901. There is at
least one inventor in common and both applications share a common assignee of Unisys Corpo-
ration Although the conflicting claims are not identical, they are not patentably distinct from
each other because it would be obvious to one of ordinary skill in the art at the time to describe
obvious variations in the means for essentially the same invention. When there is a question of
10   double patenting where the claim language is nearly identical, an obvious-type rejection should
be made.

This is a provisional obviousness-type double patenting rejection because the conflicting claims
(between 10/848,748 and 10/848,901) have not in fact been patented.
15

US Patent App. No. 10/848,748	US Patent 10/848,901
Christensen et al.	Christensen et al.
1. An apparatus comprising: a. a user terminal which generates a user request in a standardized object-based command language; b. a legacy data base management system responsively coupled to said user terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset; c. a conversion facility for conversion of said standardized object-based command language to said non-standardized command language; and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said user terminal and which modifies said dataset if and only if specified in said service request.	1. An apparatus comprising: a. a user terminal which generates a user request for bulk update of a specified dataset in a standardized object-based command language; b. a legacy data base management system responsively coupled to said user terminal which performs said bulk update of said specified dataset by execution of a non-standardized command language; c. a conversion facility for conversion of said user request from said standardized object-based command language to said user request in said non-standardized command language; and d. a parameter object responsively coupled to said legacy data base management system which provides definitions for bulk update of said user request by said legacy data base management system.

The "if and only if" limitation is an obvious variation in that a single write command path could
5   be the only means of implementing the first modification command. The claim limitation does
not disclose a new invention to the public.

Claims 1-2 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6, 9, and 10 of U.S. Patent No. 7,013,341. Although the conflicting claims are not identical, they are not patentably distinct from each other.

US Patent App. No. 10/848,748	US Patent 7,013,341
Christensen et al.	Christensen et al.
1. An apparatus comprising: a. a user terminal which generates a user request in a standardized object-based command language; b. a legacy data base management system responsively coupled to said user terminal which honors said user request by execution of a non-standardized command language to produce a result from a dataset; c. a conversion facility for conversion of said standardized object-based command language to said non-standardized command language; and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said user terminal and which modifies said dataset if and only if specified in said service request. 2. The apparatus of claim 1 wherein said user terminal is coupled to said legacy data base management system via a publically accessible digital data communication network. (removal of '341 claim 6(e) is a variation of essentially the same invention which does not alter its result)	6. An apparatus comprising: a. a user terminal which initiates a service request; 10. The apparatus of claim 9 wherein said database management system further comprises the MAPPER data base management system. 9. The apparatus of claim 8 wherein user terminal further comprises an industry compatible personal computer containing a web browser. 6c. a translation module which converts said service request into a series of command language script elements including a plurality of script elements of a first format and a plurality of script elements of a second format; 6d. a data base management system responsively coupled to said translation module and to said user terminal via a said gateway which executes said plurality of script elements of said first format and cannot execute said script elements of said second format; and 6b. a gateway responsively coupled to said user terminal via a publically accessible digital data network; 6e. a notification module responsively coupled to said translation module which identifies a first particular command language script element as within said first format which is compatible with said data base management system and which identifies a second particular command language script element as of said second format.

Feature '341 claim 6(e) is not claimed in '748 claim 1 but has been observed as a feature in a Microsoft Office 2003 Excel importation dialog box. The removal of this feature is inadequate to overcome the double patenting issues observed since '341 was disclosed prior to '748.

5

Claim 6-10 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 7,013,341. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to a person of ordinary skill in the art to derive '748 from '341.

10

US Patent App. No. 10/848,748	US Patent 7,013,341
Christensen et al.	Christensen et al.
6. A method of utilizing a user terminal to access a legacy data base management system employing a non-standardized command language comprising: a. transmitting a service request in a standardized object-based command language from said user terminal requesting access to said legacy data base management system;	1. An apparatus comprising: a. permitting means for permitting a user to access a publically accessible digital data communication network using a standard commercial browser which generates a service request corresponding to a plurality of script statements wherein some of said plurality of script statements are consistent with a first format and remaining ones of said plurality of script statements are consistent with a second format;
b. receiving said service request by said legacy data base management system;	4. An apparatus according to claim 3 wherein said responding means further comprises MAPPER data base management system.
c. converting said service request in said standardized object-based command language into said non-standardized command language; d. honoring said service request by executing said non-standardized command language to access a dataset by said legacy digital data base management system; and e. modifying said dataset if indicated by said service request.	b. providing means responsively coupled to said permitting means via said publically accessible digital data communication network for providing data base management services in response to command language script in accordance with said first format and which cannot execute command language script in accordance with said second format; and
7. A method according to claim 6 wherein said dataset is specified by said service request. 8. A method according to claim 7 wherein said transmitting step occurs over a publically accessible digital data communication network.	c. notifying means responsively coupled to said permitting means and said providing means for notifying said providing means when a first particular command language script element is not in said second format consistent with said providing means.
9. A method according to claim 8 wherein said publically accessible digital data communication network further comprises the Internet.	3. An apparatus according to claim 2 wherein said publically accessible digital data communication network further comprises the Internet.
10. A method according to claim 9 wherein said standardized object-based command language further comprises JavaScript.	2. An apparatus according to claim 1 wherein said notifying means further

	comprises a coded command language script element.

5   Claim 11 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,832,237. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to a person of ordinary skill in the art to make the modification.

US Patent App. No. 10/848,748	US Patent 6,832,237
Christensen et al.	Christensen et al.
11. An apparatus comprising: a. permitting means for permitting a user to transfer a service request defined by a standardized object-based command language; b. offering means responsively coupled to said permitting means via said publically accessible digital data communication network for offering legacy data base management services involving access to at least one dataset having a non-standard scripted command language; c. converting means responsively coupled to said offering means for converting said service request from said standardized object-base command language to said non-standardized scripted command language; and d. modifying means responsively coupled to said offering means for modifying said dataset if so indicated by said service request.	16. An apparatus comprising: a. permitting means for permitting a user to access a publically accessible digital data communication network; b. providing means responsively coupled to said permitting means via said publically accessible digital data communication network for providing data base management services; c. storing means located within said providing means for storing a plurality of display sages differing only in resolution; and d. presenting means responsively coupled to said permitting means and said responding means for presenting said user one of a plurality of display pages differing only in resolution.

10   Claim 11 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,013,306. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to a person of ordinary skill in the art to make the modification at the time of filing '748.

15

US Patent App. No. 10/848,748	US Patent 7,013,306

Christensen et al.	Christensen et al.
Unisys Corporation	Unisys Corporation
11. An apparatus comprising:	21. A method of coupling an XML message to a data base management system having an incompatible format comprising:
a. permitting means for permitting a user to transfer a service request defined by a standardized object-based command language;	a. retrieving an existing XML element to source tree from a repository;
b. offering means responsively coupled to said permitting means via said publically accessible digital data communication network for offering legacy data base management services involving access to at least one dataset having a non-standard scripted command language;	b. presenting said existing XML element to source tree to a user as a display;
c. converting means responsively coupled to said offering means for converting said service request from said standardized object-base command language to said non-standardized scripted command language; and	d. using said XML element to source tree for converting said XML message to said incompatible format.
d. modifying means responsively coupled to said offering means for modifying said dataset if so indicated by said service request.	c. modifying said existing XML element to source tree by said user in accordance with said XML message; and

(underline added)

Legacy databases tend to support inherently obsolete or incompatible formats. XML is a standardized mark-up language. Retrieving is inherently permissive. Presenting is a thesaurus found synonym of offering (see Merriam-Webster online at m-w.com).

Claims 11-14 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 7,013,341. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to a person of ordinary skill in the art to make the modification.

US Patent App. No. 10/848,748	US Patent 7,013,341
Christensen et al.	Christensen et al.

Unisys Corporation	Unisys Corporation
11. An apparatus comprising: a. <u>permitting means</u> for permitting a user to transfer a service request defined by a standardized object-based command language;	1. An apparatus comprising: a. <u>permitting means</u> for permitting a user to access a publically accessible digital data communication network using a standard commercial browser which generates a service request corresponding to a plurality of script statements wherein some of said plurality of script statements are consistent with a first format and remaining ones of said plurality of script statements are consistent with a second format;
b. <u>offering means</u> responsively coupled to said permitting means via said publically accessible digital data communication network for offering legacy data base management services involving access to at least one dataset having a non-standard scripted command language; c. <u>converting means</u> responsively coupled to said offering means for converting said service request from said standardized object-base command language to said non-standardized scripted command language; and d. <u>modifying means</u> responsively coupled to said offering means for modifying said dataset if so indicated by said service request.	b. <u>providing means</u> responsively coupled to said permitting means via said publically accessible digital data communication network for providing data base management services in response to command language script in accordance with said first format and which cannot execute command language script in accordance with said second format; and c. <u>notifying means</u> responsively coupled to said permitting means and said providing means for notifying said providing means when a first particular command language script element is not in said second format consistent with said providing means.
12. An apparatus according to claim 11 wherein said dataset is specified by said service request. 13. An apparatus according to claim 12 further comprising means located within said permitting means for generating a second service request. 14. An apparatus according to claim 13 wherein said offering means further comprises MAPPER data base management	2. An apparatus according to claim 1 wherein said notifying means further comprises a coded command language script element. 3. An apparatus according to claim 2 wherein said publically accessible digital data communication network further comprises the Internet. 4. An apparatus according to claim 3 wherein said responding means further comprises MAPPER data base management system.

| system.

15. An apparatus according to claim 14 wherein said permitting means further comprises an industry standard personal computer. | 5. An apparatus according to claim 4 wherein said permitting means further comprises an industry standard personal computer. |

(underline added)

Inherent within a standardized database are commands to modify the data set.

5

Claims 14-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-15 of copending Application No. 10/848,668. (hereinafter Kress) Although the conflicting claims are not identical, they are not patentably distinct from each other because it would be obvious to one of ordinary skill in the art at the time of the invention to interchange "MAPPER" for "BIS" (Business Information System) as synonymously done in this specification as well as the specification of the copending application. When there is a question of double patenting where the claim language is nearly identical, an obvious-type rejection should be made.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims (between 10/848,748 and 10/848,668) have not in fact been patented.

US Patent App. No. 10/848,748	US Patent App. No. 10/848,668
Christensen et al.	Kress et al.
14. An apparatus according to claim 13 wherein said offering means further comprises MAPPER data base management system. 15. An apparatus according to claim 14 wherein said permitting means further comprises an industry standard personal computer.	14. An apparatus according to claim 13 wherein said offering means further comprises BIS data base management system. 15. An apparatus according to claim 14 wherein said permitting means further comprises an industry standard personal computer.

(underline added)

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Claim 14 underscores an obvious synonym variation while dependent claim 15 adds identical matter.

Claim 16 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 16 of copending Application No. 10/848,758. There is at least one inventor in common and both applications share a common assignee of Unisys Corpo-

5 ration Although the conflicting claims are not identical, they are not patentably distinct from each other because it would be obvious to one of ordinary skill in the art at the time to describe obvious variations in the means for essentially the same invention. When there is a question of double patenting where the claim language is nearly identical, an obvious-type rejection should be made.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims (between 10/848,748 and 10/848,758) have not in fact been patented.

US Patent App. No. 10/848,748	US Patent App. No. 10/848,758
Christensen et al.	Christensen et al.
16. In a data processing system having a user terminal which generates a service request in a standardized object-based command language responsively coupled to a legacy data base management system which accesses a dataset to honor said service request by executing a non-standardized command language, the improvement comprising: a. a conversion facility responsively coupled to said legacy data base management system which converts said service request from said standardized object-based command language to said non-standardized command language; and b. a facility which modifies said dataset only if indicated by said service request.	16. In a data processing system having a user session which generates a request in a standardized command language to compare a plurality of datasets responsively coupled to a legacy data base management system containing said plurality of datasets, the improvement comprising: b. a facility which converts said request from said standardized command language into a legacy command language cognizable by said legacy data base management system; and b. a comparison result produced by said legacy data base management system from transfer to said user session. a. a link responsively coupling said user session to said legacy data base management system;

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Claim 16 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16 of copending Application No. 10/848,899. There is at
5   least one inventor in common and both applications share a common assignee of Unisys Corporation Although the conflicting claims are not identical, they are not patentably distinct from each other because it would be obvious to one of ordinary skill in the art at the time to describe obvious variations in the means for essentially the same invention. When there is a question of double patenting where the claim language is nearly identical, an obvious-type rejection should
10   be made.

This is a provisional obviousness-type double patenting rejection because the conflicting claims (between 10/848,748 and 10/848,899) have not in fact been patented.

US Patent App. No. 10/848,748	US Patent App. No. 10/848,899
Christensen et al.	Christensen et al.
16. In a data processing system having a user terminal which generates a service request in a standardized object-based command language responsively coupled to a legacy data base management system which accesses a dataset to honor said service request by executing a non-standardized command language, the improvement comprising: a. a conversion facility responsively coupled to said legacy data base management system which converts said service request from said standardized object-based command language to said non-standardized command language; and b. a facility which modifies said dataset only if indicated by said service request.	16. In a data processing system having a user session which generates a request in a standardized command language to combine data from a first of a plurality of datasets with a second of said plurality of datasets responsively coupled to a legacy data base management system containing said plurality of datasets, the improvement comprising. a. a link responsively coupling said user session to said legacy data base management system; b. a facility which converts said request from said standardized command language into a legacy command language cognizable by said legacy data base management system; and b. a combining result produced by said legacy data base management system from transfer to said user session.

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Claim 16 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of U.S. Patent No. 7,013,341. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to
20   a person of ordinary skill in the art to make the modification.

US Patent App. No. 10/848,748	US Patent 7,013,341
Christensen et al.	Christensen et al.
16. In a data processing system having a user	6. An apparatus comprising:

| terminal which generates a service request in a standardized object-based command language responsively coupled to a legacy data base management system which accesses a dataset to honor said service request by executing a non-standardized command language, the improvement comprising:

a. a <u>conversion</u> facility responsively coupled to said legacy data base management system which converts said service request from said standardized object-based command language to said non-standardized command language; and

b. a facility which modifies said dataset only if indicated by said service request. | a. a <u>user terminal</u> which initiates a service request;

b. a gateway responsively coupled to said user terminal via a publically accessible digital data network;

c. a <u>translation</u> module which converts said service request into a series of command language script elements including a plurality of script elements of a first format and a plurality of script elements of a second format;

d. a data base management system responsively coupled to said translation module and to said user terminal via a said gateway which executes said plurality of script elements of said first format and cannot execute said script elements of said second format; and e. a notification module responsively coupled to said translation module which identifies a first particular command language script element as within said first format which is compatible with said data base management system and which identifies a second particular command language script element as of said second format.. |

Although claim 6, '341 discloses more than what is needed to meet claim 16 in '748, there is a significant question of whether applicant is recycling a first invention or disclosing a second one. The specification of '341 recites a configuration of a web server coupled to a user via the web and coupled to a proprietary database management system.

Claim 21 rejected on the ground of nonstatutory obviousness-type double patenting as being un-
patentable over claim 6 of U.S. Patent No. 7,013,341. Although the conflicting claims are not
identical, they are not patentably distinct from each other because it would have been obvious to
5   a person of ordinary skill in the art to make the modification.

US Patent App. No. 10/848,748	US Patent 7,013,341
Christensen et al.	Christensen et al.
21. An apparatus for accessing a database comprising:	6. An apparatus comprising:
a. a <u>user terminal</u> which generates a user request in a JavaScript like standardized object-based command language which specifies a dataset;	a. a <u>user terminal</u> which initiates a service request;
b. a <u>legacy data base management system responsively coupled to said</u> user terminal via a publically accessible digital data communication network which honors said user request by execution of a non-standardized command language to produce a result from said dataset;	d. a <u>data base management system responsively coupled to said</u> translation module and to said user terminal via a said gateway which executes said plurality of script elements of said first format and cannot execute said script elements of said second format; and e. a notification module responsively coupled to said translation module which identifies a first particular command language script element as within said first format which is compatible with said data base management system and which identifies a second particular command language script element as of said second format.
c. a <u>conversion facility</u> for conversion of said standardized object-based command language to said non-standardized command language; and d. a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said user terminal and which modifies said dataset if and only if specified in said service request.	b. a <u>gateway</u> responsively coupled to said user terminal via a publically accessible digital data network; c. a <u>translation</u> module which converts said service request into a series of command language script elements including a plurality of script elements of a first format and a plurality of script elements of a second format;

(underline added)

World wide web includes the internet. At the time of the invention, mainframes were already connected to publicly accessible networks.

Claims 6-8 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6-9 of U.S. Patent No. 6,324,539. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to a person of ordinary skill in the art to make the modification.

US Patent App. No. 10/848,748	US Patent 6,324,539
Christensen et al.	Gebauer et al.
6. A method of utilizing a user terminal to access a legacy data base management system employing a non-standardized command language comprising: a. transmitting a service request in a standardized object-based command language from said user terminal requesting access to said legacy data base management system; b. receiving said service request by said legacy data base management system; c. converting said service request in said standardized object-based command language into said non-standardized command language; d. honoring said service request by executing said non-standardized command language to access a dataset by said legacy digital data base management system; and e. modifying said dataset if indicated by said service request. 7. A method according to claim 6 wherein said dataset is specified by said service request. 8. A method according to claim 7 wherein said transmitting step occurs over a publically accessible digital data communication network.	6. A method of communicating between a user terminal utilizing service-based data requests and a data base management system employing dialog-based data requests comprising: 6a. transmitting a service-based request from said user terminal; 10. A method according to claim 9 wherein said data base management system further comprises Classic MAPPER data base management system. 6c. transferring a first one of said ordered sequence of dialog-based requests to said data base management system; 6b. converting said service-based request into an ordered sequence of dialog-based requests; 6d. storing a first response from data base management system corresponding to said first one of said ordered sequence of dialog-based requests; 6e. transferring a subsequent one of said ordered sequence of dialog-based requests to said data base management system; 6f. receiving a subsequent response from data base management system corresponding to said

	subsequent one of said ordered sequence of dialog-based requests; 6g. combining said first response and said subsequent response to form a service-based response; and 6h. transferring said service-based response to said user terminal. 7. A method according to claim 6 further comprising storing said ordered sequence of dialog-based requests. 8. A method according to claim 7 wherein said converting step further comprises choosing a corresponding one from a plurality of ordered sequences of dialog-based requests.
9. A method according to claim 8 wherein said publically accessible digital data communication network further comprises the Internet. 10. A method according to claim 9 wherein said standardized object-based command language further comprises JavaScript.	9. A method according to claim 8 wherein said transmitting step further comprises transmitting over the world wide web.

World Wide Web inherently includes HTML which also embeds JavaScript(r). World Wide Web is also inherently connected together via a publicly accessible network.

5   For more information on how to comply with the letter and spirit of double patenting requirements, see MPEP § 706.02 and § 804 [R-3].

Conclusion

10   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Wong whose telephone number is 571-270-1015. The examiner can normally be reached on Mon.-Thur. 7:30AM - 5PM & every other Fri. 7:30-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
15   David V. Bruce can be reached on 571-272-2487. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications

5   is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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